

REMARKS

Applicants would like to thank the Examiner for the Office Action of October 18, 2007. The claims have been amended to more clearly define the invention over the prior art.

The present claims have been amended extensively to deal with the various 35 U.S.C. §112 issues and to more clearly recite the present invention.

The 35 U.S.C. §112, first paragraph, rejection has been overcome by redefining "botanical raw materials, botanical drug substances and botanical ingredients" as "extracts" as suggested by the Examiner.

It is believed that the 35 U.S.C. §101 rejection of claims 41 and 42 have been remedied. Claims 41 and 42 now expressly recite the step of "administering" the composition to a patient.

Claims 43 through 49 have been canceled thus obviating the objection that the claims have the same (or similar) scope as preceding claims.

Claims 2-4, 10-24, and 26-29 have been amended to clarify the relationship to their independent claims.

Claims 26-29 have been cancelled to avoid an indefiniteness rejection.

Claims 1-49 stand rejected under 35 U.S.C. §103(a) as unpatentable over Yang, Wu and Hammerly. As will be noted by the Examiner, the transition phrase is now "consisting essentially of" for all composition claims.

Yang discloses a combination of Salvia miltiorrhiza and Polyporouu umbellatus (See Yang, Col. 2, Lines 12-15) in specific proportions. As now claimed, the present invention excludes Polyporus umbellatus.

Wu discloses a composition which includes fifteen different herbal extracts (see Wu Abstract). The present invention recites four extracts.

Hammerly discloses a composition which contains milk thistle (Silybum marianum) along with a "hepatitis treatment drug" (See Hammerly at paragraph 0015) such as Ribivarin or interferon.

Respectfully, it would not be consistent with the teachings of the above three references to use less than the ingredients required in each. It is even more improbable to suggest that the extracts claims in the present invention, again limited to four extracts, would be obvious to combine as taught by the present disclosure.

It is believed that, as now claimed, all of the pending claims distinguish over the prior art references such that the amended claims are neither anticipated or made obvious by the prior art.

Reconsideration and allowance are respectfully requested. A Petition for Extension of Time (one month) accompanies this paper.

Respectfully Submitted,

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